IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 749 of 2004
With
CRIMINAL REVISION APPLICATION No. 750 of 2004
To
CRIMINAL REVISION APPLICATION No. 761 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Applicant(s)

Versus

VASUBHAI KARSANBHAI & 1 - Respondent(s)

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Appearance :
MR HM PRACHCHHAK APP for Applicant(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.
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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

Date : 20/10/2005

COMMON ORAL JUDGMENT

1. By filing instant batch of 13 Criminal Revision Applications filed under Section 397 read with section 401 of the Code of Criminal

Procedure the petitioner – State of Gujarat seeks to challenge the common order dated 21.4.2005 rendered in Criminal Revision Application Nos.30 of 2003 to 43 of 2003 by the learned Additional Sessions Judge, Dhrangadhra, by which those Criminal Revision Applications are allowed and thereby the order dated 4.11.2003 passed by the learned JMFC, Patdi rejecting the applications filed by the respondent No.1/accused for discharging them from prosecution, has been set aside and thereby the applications filed by the accused came to be allowed and the proceedings initiated by the complainant against the accused for commission of the offence under Section 138 of the Negotiable Instruments act have been dropped.

2. It may be stated that the original complainant – Vadgam Juth Seva Sahakari Mandali Limited, who is respondent No.2 in the group of petitions also approached this Court by way of a group of 14 Criminal Revision Applications being

Criminal Revision Application Nos. 302, 303 and 319 to 330 of 2004 challenging the same common judgment and order passed by the learned Additional Sessions Judge, Dhrangadhra.

3. This Court by a separate judgment rendered today has quashed and set aside the impugned common judgment and order passed by the learned Additional Sessions Judge, Dhrangadhra, and restored the criminal complaints against the accused and thereby allowed the Criminal Revision Application Nos. 302, 303 and 319 to 330 of 2004 filed by the original complainant, Vadgam Juth Seva Sahakari Mandali Limited. Since the State of Gujarat has also challenged the common judgment and order passed by the learned Additional Sessions Judge, Dhrangadhra on almost similar and identical grounds, detailed discussion about the factual matrix is not necessary in this group of 13 Criminal Revision Applications as this group of petitions is also required to be allowed for the reasons stated in the judgment rendered in

Criminal Revision Application Nos. 302, 303 and 319 to 330 of 2004.

4. For the foregoing reasons, this group of 13 Criminal Revision Applications filed by the State of Gujarat is allowed. Rule is made absolute in each petition.

(A.M. Kapadia, J.)

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(karan)